BARNET, ALL DAY LONG. MRS, ADAMS DROPPED FOR THE TIME

IN THE MOLINEUX CASE. The Physician Who Attended Barnet During His Fatal Illness Hauled Over the Coals by Osborne-Still Sticks to the Be-lief That Heart Trouble Due to Diphtheria and Not Cyanide of Mercury Caused His Patient's Death-Recorder Angered by an Allusion to Irishmen.

Reland B. Molineux was on trial again yesthe murder of Henry C. Barnet and the murder of Mrs. Katharine J. Adams. n the beginning of the morning session to the end of the afternoon session, when the court adjourned for the week, the name Adams was not mentioned once in court; there rance to the Adams case; no suggestion that the indictment on which Molineux is being tried was an indictment for killing After the cross-examination of Prof. Hagen of Troy, when the examination of the prosecution's last expert in handwriting had been completed, there was not an iota of testimony offered except that which related exclusively to the illness and death of Henry C. Barnet. Dr. Beaman Douglass, the physician who attended Barnet in his last filness, was in fact the principal witness and was on the stand nearly all day. Though he was a witness called by the prosecution, Assistant District Attorney Osborne did everything in his power to discredit him and he treated him on the stand in such a bulldozing fashion that a good many of the listeners became angry. In this treatment he was not stopped by the Recorder, and once or twice when the counsel for the defendant interposed objections, the Recorder sided with the prosecution, and whenever Dr. Douglass attempted to make a qualified answer he was directed by e Court to answer "yes" or "no" and reserve his explanations until later. Dr. Douglass's direct examination was concluded by him with the assertion that he has made before on the stand, that there was not a doubt in his mind that Barnet's death was due to diphtheria and not to eyanide of mercury poison, and he said that he had followed the case of Barnet from the sick bed to the grave and had diligently read all the testimony regarding it without his opinion being shaken in the least. OSBOBNE NOT THROUGH YET.

Although Assistant District Attorney Osborne had promised faithfully to finish his presentation of the case for the prosecution yesterday, when court adjourned he said he still had a number of witnesses to call, and that it would be absolutely impossible for him to get through before the beginning of the week. He blamed his failure to finish on Bartow S. Weeks, the counsel for the defence, who, he said, had wasted time cross-examining Handwriting Expert Hagen. As a matter of fact, Mr. Weeks had put Mr. Hagen through a course of sprouts that threw considerable doubt on the "exhaustiveness" of the professor's examination of the handwriting, and on the premises he assumed to warrant his emphatic expression of opinion that Molineux wrote all the disputed handwriting as well as the admitted handwriting.

Prof. Hagen is a well rounded, jolly looking man with white side whiskers. As he resumed the stand in the morning session, and it was announced positively that there would be no more handwriting experts, young Molineux the defendant, leaned back in his chair with a sigh and said, "Well, this is the last blow at Molineux." Then he smiled. Prof. Hagen's direct examination had been completed and Mr. Weeks began the cross-examination. The first real rise that he got out of the expert was when that gentleman began to talk about the belief he had that the defendant rolled his pen around on the ball of his thumb when he wrote. The extert said that he was very certain of this, and he taid considerable stress on it to explain various pressures that he said he discovered in the writing. Suddenly Mr. Weeks asked: "Mr. Hagen, how is it that you testify that this defendant rolled the pen around on the ball of his thumb when you never saw him

"Well, in my opinion, he did," said the ex-

Q. Didn't you testify in a case in Great Bar-Q. Didn't you testify in a case in Great Barrington, Mass., about this rolling the pen on the ball of the thumb, and, afterward, did it not appear that the person who you swore rolled the pen on the ball of the thumb' had lost the top of the thumb entirely by a felon? A. (Excitedly) Yes, that was a woman, and that woman, who said she had a stiff thumb. I saw put on her glove just as good as you or I could do right there in court.

"We will not enter into a discussion." said the Recorder, "about what a woman may do with her fingers. That is something beyond the power of a human tribunal to determine.

WEERS TACKLES PROF. HAGEN.

WEEKS TACKLES PROF. HAGEN.

Mr. Weeks got each one of Mr. Hagen's instances of similarity in the disputed handwriting and in Molineux's own handwriting, and then he found in the same letters in other parts of the admitted writing just as many dissimilarities. When his cross-examination had been completed Foreman Martin called his attention to the address of "H. C. Barnet" in Exhibit F. Heckman, the letter box man when he was on the stand testified that on the day he said Molineux rented a letter box of him in the name of Barnet, the man who rented the box had turned to a little desk and made some correction in the correspondence he had. On this testimony Mr. Osporne produced Exhibit F. which contained a little correction, and he asserted that that was the letter in which the correction had been made. Foreman Martin wanted the opinion of Mr. Hagen on the question of whether the ink used in making the correction was the same ink used in writing the body of the letter. The point was important. Mr. Hagen looked at it through a small magnifying glass and said that in his opinion the link was different. Mr. Martin volunteered the information that he had done some writing on his own account, making tests with a plotter—that is, blotting

that in his opinion the ink was different. Mr. Martin volunteered the information that he had done some writing on his own account, making tests with a blotter—that is, blotting the moment after he had written it and letting other writing that he had done at the same time stand until it had dried. To his eye the very slight difference shown in the color of the correction ink of Exhibit F from the color of the ink of the body of the letter might be explained by the fact that one had been blotted at the time that it was written and the other had been let stand. The upshot of the foreman's remark was the suggestion of the Recorder that the professor analyze the two inks of Exhibit F. Mr. Hagen said that he would do that and then Mr. Osborne wanted him to analyze a lot more ink. Hagen said he would have the work done by Monday. Mr. Weeks wanted Mr Hagen to say what tests he proposed to use, but the Recorder refused to permit the questions that he asked so the test will be a test for the prosecution only. Other handwriting experts say that it is a very simple test that is applied to show whether the inks are different and that it can be made in court in a few minutes. This will be brought out when the testimony is brought out.

BARNET'S PHYSICIAN CALLED. BARNET'S PHYSICIAN CALLED.

Dr. Beaman Douglass, the physician who attended Barnet to the day of his death and who gave a certificate to the effect that Barnet's death was due to cardiac weakness following an attack of diphtheria, was next called to the stand. The defence made the regular objection that the defendant was not on trial for the killing of Barnet; that the Barnet case had absolutely nothing to do with the crime with bsolutely nothing to do with the crime with hich he was charged and the Recorder, as sual, overruled the objection and let in the idence. Mr. Osborne started right in to disdit Dr. Douglass. He produced a copy of report to the Board of Health regarding the e report to the Board of Health regarding the se that was made some days after Barnet's ath, when a complaint against Dr. Douglass dheen made for not reporting Barnet's case one of diphtheria. Dr. Douglass identified a report, and then began a war between the tress and the Assistant District Attorney. r. Osborne would pick out half a sentence in e dector's report and demand a categorical swer, which, if made, would have put the etor in a false position. The dector would sist upon having the whole of the sentence, upon being allowed to make an explanation at would set him stratght. "Oh, no, you won't explain anything," said borne once.

Usborne once. "Why won't I!" asked the doctor.
"Because I won't let you," said Mr. Osborne. The thysican in this report said that at the time of his death Barnet had got over the diphtheria, from which he had suffered for flive days. He said that that was wrong; that he should have said three days. The District Attorney made a great point of this. He jumped on the doctor and in almost as many words saked if he hadn't lied. Finally he said. "Did you tell any member of the Board of Health that Barnet had received through the malls that powder of which he had taken a dose?" The Becorder sustained the objection to this on the ground that the question assumed something not proved. Mr. Osborne asked if hernet had told the doctor that he received the jewder through the mail; and when this was objected to Mr. Osborne explained that he wanted to test the creditibility of the witness and that was the only reason why he asked the testion. The Recorder said that for that Jupose alone he would allow it. The doctor

said that Barnet had told him that he had re-ceived a box of the powders.
Q. Do you know where it came from? A. I do not. do not.
"Oh, well," said the Recorder, "I will sustain the objection."
Q. At any rate, doctor, the circumstances explained to you of the receipt of the powder made you take the box which contained it to a chemist to have it analyzed? A. They did

From the beginning of this examination the defence had been interposing objections, but Mr. Osborne was asking questions so fast and the witness was answering them so fast, and the District Attorney was speaking in such a loud, angry voice that the defence didn't get any show. At last Mr. Weeks jumped up and exclaimed: "Your Honor, may the defence at least have the courtesy of an opportunity to state an objection?"

The Recorder then checked the District Attorney a kit. The doctor explained that it was not the reception of the box or the circumstances about its being received by Barnet that made him have it analyzed, but that it was the fact that he had to account for a certain amount of mercurial stomatitis.

Q. Why didn't you have a search made for the wrapper on that box' A. When the analysis was made, I directed Miss Bates, the nurse, to make a search.

D. Did you ston your, directions, with Miss. VOICE OF THE DEFENCE DROWNED.

Did you stop your directions with Miss s? A. I did.
Oh, you didn't have anybody else look for d you? A. No. sir. Q. Oh, you didn't have anybody else look for it, did you? A. No, sir.
Q. Dr. Douglass, let me state the facts: you knew that Barnet had mercurial stomatitis, and in addition to that that he had received a box of patent medicine; you had this box analyzed and found that it contained cyanide of mercury; you knew that Barnet was suffering from diarrhora attributed to mercury and also that the symptoms of diphtheria disappeared on Nov. 7, and yet you did not report to the Health Board that Barnet had taken cyanide of mercury.

"said Dr. Douglass, "and I will tell you why."
"No. no, no," said Mr. Osborne, "you just answer my question." swer my question."

Q. Now, doctor, do you claim that Barnet died of strepotococcus diphtheria? A. I claim that he died of diphtheria.

The doctor had already explained the difference between strepotococcus germs and Klebs-Loeffler germs, the latter being the true diphtheria germs. Each was diphtheria, but the first is what is known as false diphtheria. After the clock or had thrown these and other medical terms around liberally, the Recorder appealed to him with this remark: "Is it not possible, doctor, that you can translate into what we call understandable English these terms that you are using?"

terms that you are using?"
The doctor said: "Why, yes, I can explain.
Now the difference between strepotococcus and
Klebs-Loeffler is like this: You take an Irishman there digging a hole." TOUCHED THE RECORDER. "Why an Irishman," demanded the Recorder

savagely. "Weil," said the witness, "it don't make any difference. You can use any nationality—but I just said—" "But why an Irishman," demanded the Re-

"But why an Irishman," demanded the Recorder.
"Well," said Dr. Douglass laughing, "you take an Irishman digging a hole there and an Italian digging a hole there. Now they are both holes, and they look just alike, but they are different. Now you look at these two families of germs and they look just alike—you can't tell the difference until you get them cultured and the cultures smeared on glass and examine them through a microscope. Then you will see that while they are both bacill—just the same as the two holes are two holes—they are very different."

Recess was taken, but everybody was now in good humor and everybody exclaiming after the Recorder: "Why an Irishman?"

At the afternoon session Dr. Douglass explained at considerable length and in very plain language all the symptoms of diphtheria and just how the disease was recognized. He confessed to Mr. Osborne that, while he had made two cultures of the matter taken from Barnet's throat, he had failed to find the true diphtheria germs, but he was certain that if he had made further cultures he would have found them, because the other evidences of the disease were all there.

Q. Did you not tell Edmund Barnet that H. Barnet suffered from salivation? A. I did

O. Did you not tell Barnet's brother that there was danger of H. C. Barnet losing his teetth? A. I did not.

Q. Did you not tell Barnet's brother that there was danger of H. C. Barnet losing his teetth? A. I did not.

Q. Did you not say to Dr. Campbell that Barnet had enough poison in him to kill fifty people? A. I did not any it that way. I said and the with me. It was satisfactory to the H. C. Barnet's brother that H. C. Barnet was suffering from two things—one a metallic poison and the other diphtherin? A. I did not say it that way. I said that he was suffering from mercurlal stomatities and diphtheria.

Q. Didn't you tell Dr. Andrew Smiththat Barnet was salivated? A. I did not, and I have never told anybody that. I have never used that word in relation to Barnet.

Q. But you gave Barnet a remedy to cure the poison, didn't you? A. When I found the mercury from his system.

Q. And you knew he had been prisoned, the will was adar the will was drawn he had directed that word in relation to Barnet.

Q. And you knew he had been prisoned, when the mercury from his system.

Q. And you knew he had been prisoned the mercury pined met. I followed that case of the death of H. C. Bornet's the testing on the grave is a sea of the death of H. C. Bornet's the sea of the death of H. C. Bornet's the sea of the death of H. C. Bornet's the sea of the death of H. C. Bornet's the sea of the sea of Barnet's illness and of his death of the sick room to the grave; I do the sick roo

that he hadn't any more questions. Mr. Weeks began.

Q. Do you know the defendant? A. No. Q. Do you know any of his family? A. No. I think maybe I may have bowed to his father once in the club.

Q. Have you had any communication of any kind with any one connected with the defence of this case? A. No. sir.

Q. Did any of the counsel for the defence ever call on you, or have you ever had an interview with any of them? A. Never.

Mr. Weeks then brought out the fact that the doctor had diagnosed Barnet's case as diphther is thad administered 2,000 units of antitoxine, and that the disease had responded promptly to the treatment. The mercurial stomatifis did not appear for five days after the doctor was called in, and then that was treated.

BARNET A REBELLIOUS PATIENT. BARNET A REBELLIOUS PATIENT.

BARNET A BEBELLIOUS PATIENT.

Q. Did you ever have any trouble about keeping Barnet in bed? A. Yes, I had trouble from the first. He would not stay in bed. He would insist upon getting up and taking care of himself. It was fight with him all the time. I warned the nurse, and she did all that she could to keep him down, but it was useless. I had serious talks with him. He had his first attack of heart failure after spending fifteen minutes in the bathroom, and then I begged him to release me from further conduct of the case. He told me he would do as he pleased. I said, 'very well, then, I will quit the case entirely.' He finally compromised by his saying that he would do as I ordered, and I want to say now that I think that if Barnet had lain in bed as he was told, he would be here to tell his own story to-day.

On his re-direct examination Mr. Osborne wanted to know of Dr. Douglass why when the stomatitis appeared the doctor hadn't used the stomatitis appeared the doctor hadn't used the took the powder in which the polson was supposed to be a week before the stomatitis appeared and that on the day he took it he vomited freely. Mr. Osborne took Dr. Douglass severely to task because he had not told Detective Sergeants McCafferty and Carey that Barnet had taken cyanide of mercury the first time they called on him. Dr. Douglass insisted that he had not said that Barnet had not taken these things, but that he had said he was not prepared to talk and that when he was he would go to Cart. McClusky. He did go to Capt. McClusky and he turned over the box of powder.

Juror Crane wanted to know what Barnet's condition was when the doctor first saw him.

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Darrof Crane wanted to know what Barnet's condition was when the doctor first saw him. The doctor replied that Barnet's condition was first rate; that he was up when he called on him and in the reading room of the club. He sent his card in to him and Barnet came out and he told him that he had a sore throat and that a day or two before he had awakened with a sore throat and feeling sick at his commen; that he had taken a dose of patent medicine because he had been in the habit of taking it when he felt that way. The doctor said he took Barnet to his room, examined his throat and discovered diphtheria.

The last witness of the day was Dr. Andrew H. Smith, a professor in the Post-Graduate College. The day that Barnet died Dr. Douglass called him in for consultation. Mr. Osborne put a long hypothetical question to him, assuming a number of things that were in the evidence, and leaving out many other things that were in the dided of cyanide of mercury poison. The doctor said that that was his opinion. Then Mr. Weeks put a long hypothetical question to him, assuming a lot of other things that were left out of Mr. Osborne's question, and the doctor was inclined to be stumped. But he didn't want to retract his first opinion. Things were cleared up finally by his admission that he had never seen a case of cyanide of mercury poison that had resulted fatally, and that he had never used anti-toxine in the treatment of diphtheria.

The case will be continued Monday morning at half-past ten o'clock.

HOTEL AND BOARDING HOUSE Accommodations of a desirable character may be found by a reference to TEE Bun's advertising columns.—Adv.

HUSBAND WANTS \$50,000. WILLIAM S. LEWIS SAYS CHARLES

Trouble Began When He and His Family Went to Live in Hoffman's House, Which He Has Left, but She and Her Sons Haven't-Boys Declare She Is Blameless.

HOFFMAN, JR., STOLE HIS WIFE.

The trial of the suit brought by William S. Grata Club, against Charles Hoffman, Jr., a member of the Crescent Athletic Club, to recover \$50,000 damages for the alienation of his wife's affections, was begun before Supreme Court Justice Gaynor in Brooklyn yesterday. Mrs. Flora Lewis, the wife of the plaintiff, and her two sons, Horatio W. and Vincent B., were in the court room all day and paid marked attention to the testimony of Mr. Lewis.

Mr. Lewis testified that he was married on April 23, 1879. He has been separated from his wife since Jan. 19, 1899. Mrs. Lewis and her two sons are living in Mr. Hoffman's house at 8 South Elliott place. The plaintiff said that Hoffman, who was also a married man, had been separated from his wife for several years. Mr. Hoffman on May 1, 1898, asked Mr. and Mrs. Lewis to live in his house. The two men at that time were chums. Mr. Hoffman agreed to pay the rent, gas and coal bills and Mr. Lewis was to defray the other household expenses. After he and his family moved into the South Elliott place house Mr. Lewis discovered, so he asserted, that Hoffman was altogether too attentive to Mrs. Lewis, giving her jewelry and taking her to the theatre, notwithstanding his objections.

On Nov. 30, the plaintiff said, his wife gave him a dressmaker's bill and asked him if he intended to pay it. He said he had no such intention, and then went upstairs. He was followed by his wife, his sons and Mr. Hoffman. Mrs. Lewis asked him again if he was going to pay the dressmaker's bill, and he answered:
"No. you have deserted me; you don't treat me as a wife should, and I won't pay."
The witness said that Hoffman then stepped in and asked. "When in hell is this going to stop?" Subsequently Lewis and Hoffman had a talk and Lewis said he would not stand the treatment he was receiving in the house any longer. Hoffman replied, "Well Flo has made it pretty pleasant for me.
"That night" Lewis continued, "Hoffman was going to take my wife out, and I said to her I don't want you to go out. Hoffman said: She will go out; she nursed me when I was sick and as long as I have a dollar she shall have half."
"On Dec. 29, 1898, I saw my wife come out of the atting room in her night clothes and go intention, and then went upstairs. He was fol-

and as long as I have a dollar she shall have half."
On Dec. 29, 1898, I saw my wife come out of the sitting room in her night clothes and go into her own room. From Jan. 10 to Jan. 15, 1898, I was in Virginia. When I came back I found my wife in Hoffman's room. She paid no attention to me, but Hoffman said: 'Hello, have you come back?' On another occasion, when there was to be an oratorio in Dr. Gregg's church, Hoffman asked my wife to go with him. I said: I can't stand this any longer.' My wife said: Do the other thing, then.' My wife stood with one hand on my shoulder and one on Hoffman's. I pushed her away. Hoffman said: 'Don't you dare to strike her!' and seized me by the wrist. I then said: If you don't let my wrist go murder will be done.'"

The witness said he then left the house on Jan. 19, 1899, and secured rooms elsewhere. He informed his wife and two sons of what he had done, but they declined to leave Hoffman's house.

Mrs. Lewis went on the stand and denied the

house.

Mrs. Lewis went on the stand and denied the charges made by her husband. She said the reason she did not leave Hoffman's house and go to live with her husband was that her parents had advised her to remain where she was She denied that Mr. Hoffman had presented diamonds to her. The diamonds, she said, she had bought with money given her by her mother.

mother.

Mr. Hoffman testified that up to the time
Lewis left the house they had been friendly.
Lewis was his lawyer and had drawn up his

since revoked the bequest to Mr. Lewis.

He denied having given Mrs. Lewis valuable presents.

Horatio W. Lewis, 19 years old, said he had never known Mr. Hoffman to influence his mother against his father. His father was to blame for all the trouble, and when it came to a climax he and his grandparents had advised Mrs. Lewis to remain in Mr. Hoffman's house.

"On one occasion," said the boy, "father insulted mother, and I wanted to thrash him for it, but mother advised me not to strike him."

"Was your father kind and affectionate to your mother?"

"No," replied the boy. "He tried to appear so when there was company present, but when he was alone in her company he threatened to strike her.

Vincent B. Lewis, 18 years old, who is a clerk in Mr. Hoffman's office, corroborated his brother.

Mrs. E. B. Stocker, mother of Mrs. Lewis, said that her daughter from the time of her marriage to Lewis complained of his conduct. Once he poured coffee on her, and as a consequence one of the boys had a coffee-colored birthmark. Mrs. Lewis had threatened to leave her husband, but the witness had advised her not to do so.

"The point is," said Justice Gaynor, "whether this defendant was the cause of this plaintiff leaving his wife."

"Why," said Mrs. Stocker, "Mr. Hoffman had no more to do with it than the Czar of Russia. Mr. Lewis told me," she continued "that he had the most implicit confidence in his wife."

The case was given to the jury last evening and a sealed verdiet will be handed in this morning.

JORDAN'S SUIT AGAINST TAYLOR. Demurrer of the Globe's Owner Sustained for Lack of Jurisdiction.

Boston, Jan. 19.-From sundry items pubished recently in several Boston newspapers t has been made to appear that James C. Jordan was the loser in his case against Charles H. Taylor and others. The case was in the form of a bill in equity in the United States Circuit Court to set aside the sale by the trustees of the estate of the late Eben D. Jordan, of which C. H. Taylor was one, of 375 Jordan, of which C. H. Taylor was one, of 375 shares of Globe newspaper company stock, which James C. Jordan charged were transferred illegally and at half their real value. A demurrer to the bill was entered by the defendants and a hearing was had before Judge Colt. The demurrer was sustained by the court, but on the ground solely of lack of jurisdiction, the merits of the case not being touched upon in any way. Judge Colt simply gave as his opinion that relief must be sought in the Probate Court, which court has charge of the body of the estate.

The case will be fought to the end in the court of proper jurisdiction, and an appeal from Judge Colts decision on the point of jurisdiction has also already been taken to the Supreme Court of the United States.

STARVING, HE SOUGHT ARREST. Grabbed a Girl's Pocketbook and Held It

Till a Policeman Came. A young man who said he was Adolph Zeller and had no home was arraigned in the Essex Market police court yesterday, charged with attempting to steal a pocketbook from Rosie Weiss, a shop girl of 9 Suffolk street, in East Houston street on Thursday night. "Judge," he said. "I have been only a year and a half in the country. For four days I had nothing to eat. I am no thief and have no intention of becoming one. As I was walking along that street last night I came to the conclusion that the best thing I could do was to get sent to make the best thing I could do was to get sent to make I could then get work. When this girl came along I grabbed hold of her purse in order to get arrested. I did not try to take it from her or try to get away. I just let her hold me until a policeman came and arrested me."

The policeman corroborated the man's statement and said that in the police station Zeller devoured a sandwich like a hungry wolf. Magistrate Deuel was impressed by the prisoner's story, but as the girl insisted on making a complaint he held Zeller in \$1,000 for trial. Houston street on Thursday night. "Judge,"

Soldier Drowned Near Davids Island. NEW ROCHELLE, N. Y., Jan. 19.-Five recruits who are at Fort Slocum, Davids Island, awaiting transportation to the Philippines, escaped through the guard lines last night and set out for New Rochelle in a rowboat which they had secreted at the beach. White in the middle of Neptune Bay the leaky boat filled with water and the deserters were obliged to abandon it. Four of them swam back to the fort, but the other man. William Sheridan of Chicago, an infantry recruit, was drowned.

Court Calendars This Day. Supreme Court-Special Term-Part II -Ex-part natters.
Surrogate's Court—Chambers—For probate—Wills of Lawrence Bustovich. Bernard Schuretering, [Dorother Oter at 10:30 A. M.
City Court—Special Term—Court opens at 10 A.M.—
Motions.

DON'T WANT A FIRE HOUSE THERE.

West Side Residents Call on the Mayor to Make Objection

A delegation of residents of West Ninety second street, and persons interested in real estate in the street, waited on the Mayor yesterday to protest against the establishment of a fire house on the land owned by the city at Ninety-second street and Columbus avenue Walter Stabler told the Mayor that the erection Lewis, a lawyer and member of the Aurora of the fire house would depreciate property values in the neighborhood, and that there were numerous other sites in the vicinity which could be purchased at moderate prices for the uses of the Fire Department.

"We've got to put an engine somewhere in that neighborhood," said the Mayor. "I know that the West Side has rights and privileges that no other part of the city has. They won't even let us have a dump for the Street Cleaning Department up there. But we can't do everything for one part of the city after all. Now, you don't want that engine house and the people who live in other streets may not

Now, you don't want that engine house and the people who live in other streets may not want it."

Comptroller H. H. Cammann of Trinity Corporation told the Mayor that the site of the proposed engine house was directly opposite St. Agnes Chapel, and that the work of the church and its auxiliaries would be seriously hampered by the presence of the engines.

The fact that there is a church opposite is a far greater objection to the site than the protests of the property owners, "said the Mayor." We want to avoid establishing fire houses near schools and churches. That objection will have more weight than any other, but I rely to a large extent on the Chief of the Fire Department, to whom is entrusted our lives and property. You realize that, don't you?"

The delegation nodded. Then several women who accompanied the delegation began to talk sel loudly among themselves that the Mayor was obliged to tell his attendant, John Scully, to call them to order. The delegation wanted another hearing on the subject.

"I'm here every day," said the Mayor, "I'm like a bank clerk in my hours, and I'm always very glad to see any citizens who want to talk about public matters. That's what I'm paid for."

SURROGATE INTERESTED IN THEM? Lawyer's Plea for Women Shoplifters Fails

Two expensively dressed young women describing themselves as Elizabeth Jewett and Mrs. Amelie Meyers, both of 1186 Madison avenue, were charged with shoplifting in the Jefferson Market police court yesterday morning. John Larkin, a private detective, swore that he had seen them take a pocketbook and a piece of silk in the store where he is employed and a number of articles in a Sixth avenue store, to which he followed them to make sure of their guilt. The case was admake sure of their guilt. The case was adjourned till the afternoon session at the nequest of the prisoners, who said that their counsel would be present then.

Lawyer Alter appeared for the pair in the afternoon, but only to ask for another adjournment. He said that Surrogate Daniel Noble of Jamaica, L. I., was interested in the women and would like to appear for them, but was prevented from doing so at this time by his duties in his own court, which was then in session.

duties in his own court, which was then in session.

"The case was adjourned with the explict understanding that counsel would be present this afternoon," replied Magistrate Hogan. "I shall finish the case now. To tell the truth. I do not see of what use the presence of Mr. Noble can be to those women. Here is clear evidence and here are the witnesses—what is he going to do about it?"

"Oh. I think certain circumstances might be explained to the complainants, "said Alter. "In other words," the Magistrate broke in, "you would first make these persons run here a number of times, losing valuable time, and then ask for their sympathy. No, I shall go on with the hearing now."

"Then we waive examination." said the lawyer.

lawyer.

The prisoners were held in \$500 bail each for trial on the two complaints. They went copiously. The detectives said that the Jewett woman's portrait is in the rogues' gallery.

SAYS IT'S M'GLORY'S SALOON.

Argument Against Restraining the Police From Interfering With the Place.

The motion of Frank J. Campbell, nephew of Billy McGlory, to restrain Chief of Police Devery from interfering with the playing of instrumental music in his saloon in West Fifty-ninth street was argued before Justice Andrews of the Supreme Court yesterday. Campbell has a liquor tax certificate, but a concert hall license was refused to him. Proceedings are pending to cancel his liquor tax

George M. Curtis, in behalf of Campbell, said that his client had the same right to have instrumental music in the place as have the restaurants and hotels. He described the place as the handsomest saloon in the neighborhood.

place as the handsomest saloon in the neighborhood.

Assistant Corporation Counsel Charles J. Ridgway admitted that Chief Devery intended to prevent music in the place. He said that Campbell was acting in the interests of McGlory and that it was intended to make a music and dance hall out of the place. He read an affidavit of the Rev. Alexander B. Doyle of the Paulist Fathers that McGlory had been seen about the place and that it was a resort of evil doers. He urged that the courts have held that they will not restrain the police from action in such cases as it is assumed that the police will only do their duty.

Mr. Curtis said that the admission of Chief Devery that he would prevent music in the place, which would be an filegal act, took the case beyond such suthorities. He said that Campbell was not to blame because McGlory was his uncle; that McGlory had nothing to do with the place and that Campbell should not "be hounded with the shadow of Billy McGlory."

The Court reserved decision.

MILWAUKEE CASHIER CAUGHT HERE.

Said to Have Embezzled \$17,000 From Western Transportation Company.

Leroy W. Secor of Milwaukee, Wis., was arrested yesterday afternoon in the St. Cloud Hotel. It is alleged that he is wanted in that city for the embezzlement of \$17,000 from his former employees, the Goodrich Transportation Company.

B. B. Herbst, an agent of the company, who B. B. Herbst, an agent of the company, who is staying at the Hoffman House, met Secor on Broadway on Thursday night, and recognized him as a man who three weeks ago was the company's cashier, and he alleges is now a fugitive. He notified Capt, McClusky, and Central Office Detectives Murphy and Thompson traced Secor to the St. Cloud. Magistrate Crane remanded him to Folice Headquarters until Monday, that the Milwaukee authorities might be heard from. Secor, who is about 23 years old, refused to make any statement in court. court.

Thomas F. Smith, Clerk of the City Court has appointed Philip Brady as his attendant The increase in salaries reported by various de partment heads in yesterday's City Recor-made the total of salary increases in city de partments since Jan. 1 more than \$50,000.



We don't usually shout over every little reduction; but it may interest our friends to know that in the face of rising prices, we've just gone over our fancy suit stock, cutting prices here and there.

It's buying time for the man who wants a good suit, and good value at \$15.

Rogers, Peet & Co.



No other aid so great to the housewife, no other agent so useful and certain in making delicious, pure and wholesome foods, has ever been devised.



There are imitation baking powders, sold cheap, by many grocers. They are made from alum, a poisonous drug, which renders the food injurious to health.

ROYAL BAKING POWDER CO., 100 WILLIAM ST., NEW YORK.

EIGHT PERSONS INJURED. Two Crashes in the Fog on the Brooklyn Elevated Railroads.

A rear-end collision between the trains on the Brooklyn Union Elevated Bailroad, in which all the passengers got a bad shaking up and eight were more or less injured, occurred about 7 o'clock yesterday morning, during the dense fog. at the Twentieth street station of the Fifth avenue line. Each train consisted of a motor car and three regular cars. and were on the way from the Eridge to Bay Ridge. The first train was in charge of Motorman Joseph Desmond and Conducter John Kenny, while Motorman August Wiendekind and Conductor Frederick Schneider had charge of the second. The first train, which is said to have been a couple of minutes behind schedule time, was just about to leave the station when the other came bounding in at a high rate of speed and bumped into it with great force.

Some of the cars were uncoupled by the collision and the glass in many of the windows was broken. Some of it feil to the street.

Many passengers were thrown down or huried against the sides of the cars. The police from the Fifth avenue station close by quickly are rived and the eight injured passengers were removed thither and attended by Surgeon. removed thither and attended by Surgeon ckley from the Seney Hospital

removed thither and attended by Surgeon Buckley from the Seney Hospital. The injured were:
Charles M. Goodries, 34 years old, of 183 Forty-eighth street, hands and fingers severely cut; John Kiernan, 42 years, of 687 Pacific street, eye cut by glass; C. M. Desidis, 34 years, of 104 Navy street, scalp wound; Thomas Donnelly, 35 years, of 657 Carroll street, shock; William S. Holts, 26 years, of 384 Eighteenthstreet, shock; Policeman John R. Kelly of the Second precinct, Manhattan, bruises on the body; Policeman W. J. J. Galvin of the Second precinct, slight bruises; Policeman Henry Espereck of the Old Slip station, slight bruises. In a short time all the injured persons were able to leave the station. No one was taken to the hospital.

It is said that half a dozen other persons were also slightly injured, but that they hurried off without giving their names. Over an hour elapsed before the wreckage was cleared away and traffic resumed on the aptown track. A similar cellision occurred about 7:30 clock on the Kings County Elevated road in Fulton street, pear Spencer place, but no one was injured. A train going to the Bridge was haited at this point to await the signal before crossing the track of the Brightou Beach road, when amother train rushed into it from behind. The impact was not severe, as the colliding train was going very slowly. Many of the passengers, however, were badly frightened and two women fainted. The accident, caused only a few minutes' delay.

On both roads special precautions were taken to prevent accidents and employees were posted at short intervals along the tracks to warn the motormen and engineers. The traffic on the surface trolley ears is also considerably affected by the fog.

MATRIMONY OR CARBOLIC ACID. Rut Offered a Woman Her Choice-Says He

Meant to Take the Stuff Himself. Frank Rut, a Bohemian tailor of 1391 East ern boulevard, was arrested yesterday morning while loitering in front of the home of Mary Vesley of 325 East Seventy-fifth street. He had a small bottle of carbolic acid in his

The woman had already obtained a warrant for his arrest on the ground that he had threatfor his arrest on the ground that he had threatened to throw the acid in her face unless she consented to marry him. She said she had received a proposal from him on New Year's Day and on the following night she went to his home to investigate a report that he was a married man. She found a woman there who declared that she was faut's wife, so she declined his proposal. Last Wednesday night he showed her a bottle of carbolic acid and said he would throw the stuff in her face if she did not consent to marry him at the end of twenty-four hours.

When Rut was arrested he toid Court Poitceman Gerber that he had intended to take the acid if the woman rejected him. Magistrate Brann committed him to the Island for six months.

Thieves Busy in Bath Beach and Benson

Thieves are perniciously active in Bath Beach and Bensonhurst. In the Homewood section of Bath Beach on Thursday night, between the hours of 9 o'clock and midnight, nearly every house was visited. The thieves on this occasion confined their work to the outside of the houses, where they removed brass door knobs and brass water cocks. The door knobs and brass water cocks. The houses are occupied mostly by policemen and letter carriers. On Wednesday morning over \$700 of carpenter's tools was stolen from a row of buildings being erected by John Colbert in Twenty-first avenue, near Benson avenue, Bensonhurst. On Thursday night the homes of William Sweeney and Charles F. Saunders, in Sixty-ninth street near Sixteenth avenue, were entered, but little plunder was obtained. On Tuesday night the home of Robert B. Sedgwick, in Fifty-sixth street, near Fifteenth avenue, was entered, but the thieves were discovered and they fled when an alarm was raised.

The Hon. John Whalen, Corporation Counsel and triumvir of the City of New York, received this message, dated Wantage, England, yester day;
"I am very well. Bichard."
It is believed that the message came from the Hon. Richard Croker.

Child Drops Dead of Heart Disease. DANBURY, Conn., Jan. 19.-While she was bidding her mother good-by to-day before starting for school Lillie Williams, the ten-year-old daughter of James H. Williams, fell to the floor. She was dead when her mother pickedher up. Heart disease caused death. LANDLORD AND ELEVATOR.

Court Holds That Owner Is Liable for Accidents Same as a Common Carrier.

The judgment of \$22,500 which Anna S. Griffen, as administratrix of her husband Walter H. Griffen, obtained against William DeForest Manice because of Griffen's death in an elevator in the building of the defendant at 55 William street, has been affirmed by the Appellate Division of the Supreme Court. Griffen was Secretary and a director in the United States Fire Insurance Company, which had offices in the building and was killed by weights from the top of the elevator when descending after a directors' meeting on Dec. 6, 1898. The lease of the tenants provided that Manices hould not be liable for injuries received in the elevators, but the court holds the covenant in the lease was not binding on Griffen.

The defendant contended that the lower court had improperly held him to the law of common carriers of passengers in which the highest degree of care is required, whereas he

nothing of the state of the machinery. He may be able to observe the surroundings, the condition of the car and of the entrances to and exits from it, but while in the car he necessarily confides his person to the care and protection of the elevator, proprietor just as a passenger does while in the vehicle of a common carrier. There can scarcely be greater danger imagined than that to which a passenger penned up in an elevator cage or car, rising or descending in an enclosed well, would be exposed by the breaking of the machinery. The Court says further in effect that an elevator has to be inspected from time to time as it will not run indefinitely, and that the break of the machinery and fall of the weights was presumptive evidence of negligence.

O. F. WILLIAMS ON THE PHILIPPINES.

He Was Aboard the Olympia With Dewey When Montojo's Fleet Was Destroyed, Oscar F. Williams, who was United States

Consul at Manila at the outbreak of the Spanish war, described to an appreciative audience at the Packard Commercial School, Twenty-third street and Fourth avenue, yesterday morning. his experiences previous to and after the deatruction of Admiral Montojo's fleet by Dewey. Mr. Williams was on the Olympia with Dewey Mr. Williams was on the Olympia with Dewey when the American squadron entered Manila Bay, and his description of the thrilling scenes that took place during the destruction of the Spanish fleet interested the audience. Mr. Williams is an ardent expansionist and he praised the Government's policy and the course pursued by Gen. Otts in suppressing the Filippino rebailion. He also believes the end of the insurrection is in sight. Mr. Williams thinks that the chief obstruction to the advancement of American trade in the Philippines is the coolie labor system which prevails in the islands.

Health Board Driver Accused of Theft. William McGovern, a Health Department driver, called at the home of Mrs. Rebecca Schermerhorn of 110 East Twenty-sixth street yesterday, to deliver some bed clothing that had been disinfected. Mrs. Schermerhorn had left two diamond rings she values at \$210 in the bath room. She missed the rings after the bath room. She missed the rings after McGovern's departure and complained to the police. Detective Robinson arrested McGovern and took him to the Yorkville police court, where he was held in \$500 bail till to-day. The rings were not found.

Samuel Karpp, convicted of swindling Isaac Levine out of \$250 by pretending to lease a house he didn't own, was sentenced to six months' imprisonment in the penitentiary by Judge Foster in General Sessions yesterday. Municipal Justice Goldfogle made a plea for suspension of sentence on Karpp and this with other representations on the prisoner's behalf served to reduce his term of punishment.

GIRL JUMPED TOO SOON.

Two Women From a Burning House Strike a Blanket Together-Both Hurt.

Fire started about 7:30 o'clock yesterday morning in some rubbish in the cellar of the three-story frame tenement house at 125 Twenty-sixth street, Brooklyn. The flames spread with such rapidity that the escape of Mrs. Vincenzo Paldino, 23 years old; her three-year old daughter, and her sister-in-law. Lidzina Paldino, 17 years old, by the stairway was cut off. In the emergency. Walter Atkins of 738 Third avenue and John F. Hollen of 703 Third avenue who were unloading coal in the neighborhood, seized their horse blanket and improvised a life-net for the imperfilled women and child. Mrs. Paldito first dropped the little girl into the blanket and when she saw that her daughter had escaped unhurt, she jumped into it herself. While she was still in the air, her sister-in-law plunged after her. The women struck the blanket almost simultaneously and w at to the ground with much force. Mrs. Paldino, received contusions on the back and internal injuries, and was removed to the Seney Hospital. Her sister-in-law was severely bruised and also suffered from shock. She refused to go to the hospital and was taken to a friend's house at 15.3 Twenty-third street.

Fireman flugh Lafferty of Engine Company No. 128, while at work in the cellar, was struct on the head by a failing brick and injured.

Before the arrival of the firemen, John Keenan, a son of James Keenan of the police telegraph bureau, set up a ladder and rescued a woman and a child from the upper floor. The fire caused a damage of \$3,500. perilled women and child. Mrs. Paldino first

FAKE TALE ABOUT WALTER E. DURYEA

His Father Says He Is Better and Is Not Mr. Edgar E. Duryea said yesterday, relative to a false report published in the Herald, to the effect that his son was dying in Roosevelt Hospital: "I cannot comprehend how so many misstatements could have been made in so short a space, or how they could have origi-

"It is not true that my son is 'rapidly sinking,' or that 'it was reported yesterday afternoon that he was then dying.' I spent yesterday afternoon with him at the hospital and he was as brave and as cheerful as ever, and better, mentally and physically, than he has been at any time since his injury in August last. Neither he nor I nor the doctors have lost faith in his ultimate recovery.

"It is not true that he has had an attack of pneumonia while in the hospital, nor is it true that he has undergone a second operation. He has rend to him many of the daily papers by his nurse and is mentally so keen that he will not permit a page or a column to be skipped, se that whatever appears in the newspapers he sees or has rend to him. Such an article as published could not but have a bad effect upon him, because he would probably conclude that his doctors were deceiving him, and that he was not on the mend, as they have assured him." noon that he was then dying.' I spent

BUFFALO, Jan. 19 .- John Kelly, John Palmer and Michael Daly of Crittenden, trackmen employed on the New York Central Railroad, were killed by being struck by the Buffalo and Southwestern Special on the Central tracks be-tween Crittenden and Looneyville this morn-ing. The body of one of the men was knocked forty feet from the track and the others were cut into small pieces. All the other members of the gang heard the whistle and escaped in-

Freight Wreck on the Lehigh.

FLEMINGTON, N. J., Jan. 19.-Nine freight cars were wrecked on the Lebigh Valley Railroad at Flemington Junction this morning. As the fast freight reached the flax mill above the station an axie or wheel broke which allowed a truck to fall upon the ties. The rails were torn up for some distance and nine cars loaded with cement, hay, grain and wood were smashed and the contents strewn upon the tracks.

Court of Appeals Calendar. ALBANY, Jan. 19.—Court of Appeals calendar for Monday, Jan. 22: Nos. 216, 224, 226, 227, 228, 984, 182 and 201.



Home Life Insurance Building, 256 Broadway, New York. Sold by ACKER, MERRALL & CONDIT.